

**REQUIREMENTS
for
ACCOMMODATING, EXCUSING, and EXEMPTING STUDENTS
in
MARYLAND ASSESSMENT PROGRAMS**

Revised

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MARYLAND STATE DEPARTMENT OF EDUCATION

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PREFACE

This publication describes the requirements for accommodating, excusing, and exempting students with disabilities, students who are English Language Learners (ELL), and students with Section 504 Plans. It also summarizes the statewide assessment programs required by the Maryland State Department of Education (MSDE) and supersedes all previous revisions of this document.

The five assessment programs discussed in this document are:

- Maryland Functional Testing Program (MFTP),
- Maryland School Assessment (MSA),
- Alternate Maryland School Assessment (ALT-MSA) for students with severe cognitive disabilities
- Maryland High School Assessments (HSA)
- IDEA Proficiency Test (IPT) for assessment of English Language Learners

This publication has been developed to ensure that:

- participation in assessments is consistent in all Maryland programs, schools, and school systems;
- accommodations are provided to all qualified students; and
- accommodations used in assessments are also used in daily instruction.

GENERAL PRINCIPLES FOR ALL MARYLAND ASSESSMENT PROGRAMS

1. **Participation.** All students have a legal right to be included to the fullest extent possible in all statewide assessment programs and to have their assessment results be a part of Maryland's accountability system. The Maryland State Department of Education (MSDE) requires all students to participate in statewide assessment programs unless documented as prescribed below.
2. **Accommodated Students.** The intent of test accommodations is to mediate the effect of a student's disability so that the construct of the test is measured, not the effect of the disability on the skills and processes being assessed. "Accommodations are used for equity, not advantage. Students who use accommodations during an assessment do so to be able to take an assessment on an equal playing board as other students who do not need accommodations. Accommodations are not provided to help the student with a disability do better than other students." (Ysseldyke, Thurlow, McGrew & Shriner, 1994)

Accommodations:

- a. should enable students to participate more fully in assessments and to better demonstrate their knowledge and skills.
 - b. must be based upon individual student needs and not upon a category of disability, level of instruction, time spent in general classroom, or program setting.
 - c. must be justified and documented in the student's Individualized Education Program (IEP), Section 504 Plan, or English Language Learner (ELL, formerly known as Limited English Proficient or "LEP") Plan.
 - d. must be implemented as soon as possible after completion of the IEP, Section 504 Plan, or ELL Plan and must be aligned with and be a part of daily instruction. Accommodations must not be introduced for the first time during the testing of a student.
 - e. must be approved as specified in this document.
 - f. not explicitly mentioned in this document and/or multiple accommodations do not constitute reasons to exempt students from assessments. The School Test Coordinator should coordinate with the Local Accountability Coordinator (LAC) prior to testing to address issues caused by the need to provide multiple accommodations.
3. The LAC must submit to MSDE, for approval, an accommodation beyond those listed in this document. In doing so, he/she must involve, where appropriate, special education, Section 504, ELL, and school-based staff. The decision to not allow an accommodation for testing does not imply that the accommodation (or modification, adaptation, or other strategy) cannot be used for instruction.
4. Addressing the issue of validity involves an examination of the purpose of the test and the specific skills to be measured. The following is an example of a validity review by the LAC of IEP Team recommendations:
 - **Example.** If an objective of a mathematics test is to test computation skills, allowing a student to use a calculator would substantially alter that objective. On the other hand, if a mathematics objective is related to problem-solving skills, calculations might be viewed as only incidental to achieving the objective. In the latter case, allowing the use of a calculator probably would not appreciably change the measurement of the objective.

5. Prior to the test administration, if the principal and at least one other qualified school staff member or the LAC decide that testing would be severely harmful to a student, the student may be excused. The reason for the excuse must be documented in the student's record. Examples of acceptable reasons are:
 - a. Student has demonstrated by past performance that he/she cannot function in a testing situation.
 - b. Student has had a recent traumatic experience, which has made him/her unable to cope with the testing situation.

During testing, if a student demonstrates extreme frustration, disrupts others, becomes ill, etc., the teacher/test administrator may excuse the student from the test.

6. **Exempted Students.** In general, no students are exempt from participation in the Maryland State Assessment Programs. Any rare exceptions to this are noted on the pages relating to each assessment.

7. Definitions

- a. *Students with Disabilities.* Students who receive special education services and who have current Individualized Education Programs (IEPs).
- b. *Section 504 Students.* Students who have a physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment.
- c. *English Language Learners (ELLs).* Students who have a primary or home language other than English and who may have limited or no age-appropriate ability to understand, speak, read, or write English. ELL students have traditionally been known as *Limited English Proficient* (LEP) students and are served with English as a Second Language (ESL) or English for Speakers of Other Languages (ESOL) classes or services.
- d. A permitted accommodation is defined as an accommodation as described in this document or approved by the LAC (in writing) as justified in the student's IEP, Section 504 Plan, or ELL Plan and provided in the course of daily instruction.

MARYLAND FUNCTIONAL TESTING PROGRAM (MFTP)

Summary of Program

The Maryland Functional Testing Program (MFTP) includes tests in reading, writing, and mathematics. The purpose of the MFTP is to ensure that students have acquired minimum levels of competency in basic skills or "functional" areas prior to leaving public education. Each student must pass all three tests as one condition for graduation from high school. Although the functional tests have no time limits, the reading and mathematics tests take approximately one hour of engaged testing time; the writing test requires a total of approximately two to three hours over a two day period.

(The Maryland Test of Citizenship Skills was formerly part of the MFTP. Beginning, however, with the 1998-1999 school year, the Maryland State Board of Education permitted a waiver of the citizenship test requirement if local school systems certified that the content measured by the test was embedded in their government courses.)

Accommodated and Exempted Students

Accommodated Students. (Permitted accommodations are listed on pages 12 – 16.)

1. Students with Disabilities. The student's IEP Team should decide on the appropriate accommodation(s) at the IEP development or review meeting for the year in which the student is scheduled to take the functional tests and indicate the decision on the student's IEP. The student's IEP Team will forward recommended accommodations to the School Test Coordinator. Accommodations must be justified and documented in the student's IEP.
2. Students with Temporary or Long Term Disabilities and Section 504 Students. General education students and students with a 504 Plan who have a temporary or long-term disabling condition that interferes with test performance should be offered accommodations to compensate for their disabling condition. Accommodations must be justified and documented in the students' records.
3. English Language Learners (ELLs). Appropriate accommodations identified by the ELL Committee are permitted for students who meet the criteria for a ELL program. Accommodations must be justified and documented in the students' records. ELL students are not exempt from the tests. Although the tests may be postponed until students have acquired adequate English language proficiency skills, ample opportunities must be given for ELL students to pass these tests.

Only accommodations that the student receives during instruction may be used in the testing situation.

Exempted Students

Transfer Students. Students who transfer from out-of-state or nonpublic schools into the Maryland public school system for the first time **during the second semester of their senior year** are exempted from taking the Maryland Functional Tests. These students are the only ones who are exempted from the Maryland Functional Testing requirement. (See COMAR 13A.03.01.03F).

MARYLAND SCHOOL ASSESSMENT (MSA)

Summary of Program

The Maryland School Assessment Program (MSA) measures higher order thinking processes in reading (grades 3-8 and 10) and mathematics (grades 3-8) and the end-of-course test in Geometry. The MSA is a tool for school improvement and an overall measure of students' knowledge accumulated over several years of schooling. The MSA measures student, school, school system, and state performance and assesses the student's performance against state standards in reading and mathematics. The MSA (with the exception of the Geometry end-of-course test) includes norm-referenced test items, and the results from these items measure student, school, and school system performance in comparison with national norms. The MSA tests are administered in March of each year, with the exception of the end-of-course test in Geometry, which is administered in January and May of each year.

Accommodated and Excused Students

Accommodated Students. (Permitted accommodations are listed on pages 12 – 16.)

1. Students with Disabilities. The student's IEP Team should decide on the appropriate accommodation(s) at the IEP development or review meeting for the year in which the student is scheduled to take the MSA and indicate the decision on the student's IEP. The student's IEP Team will forward recommended accommodations to the School Test Coordinator. Accommodations must be justified and documented in the student's IEP.
2. Students with Temporary or Long Term Disabilities or Section 504 Students. General education students or students with a 504 Plan who have a temporary or long term disabling condition that interferes with test performance should be offered testing accommodations to compensate for their disabling condition. Accommodations must be justified and documented in the students' records.
3. English Language Learners (ELLs). Appropriate accommodations identified by the ELL Committee are permitted for students who meet the criteria for a ELL program. Accommodations must be justified and documented in the students' records.

Only accommodations that students receive during instruction may be used in the testing situation.

Excused Students

1. Prior to test administration, if the principal and at least one other qualified school staff member or the LAC decide that testing would be severely harmful to a student, the student may be excused. The reason for the excuse must be documented in the student's cumulative record or IEP. Examples of acceptable reasons are:
 - a) Student has demonstrated by past performance that he/she cannot function in a testing situation.
 - b) Student has had a recent traumatic experience that has made him/her unable to cope with the testing situation.
2. During testing, if a student demonstrates extreme frustration, disrupts others, becomes ill, etc., the teacher/test administrator may excuse the student from the test.

3. Excused students will receive the lowest obtainable scale score for the assessment and will be placed in the “Basic” proficiency level for accountability purposes

Note: No students are exempted from the MSA. Students with severe cognitive disabilities who are not pursuing the regular Maryland Content Standards leading to a Maryland High School Diploma take the Alternate Maryland School Assessment (ALT-MSA) in place of the MSA. All students in the test grades in Maryland **must** participate in either MSA or ALT-MSA. Students who transfer from out-of-state or nonpublic schools into the Maryland public school system at any time during the school year, through the end of the testing window in which Maryland School Assessment is administered, must be tested as must all ELL students.

ALTERNATE MARYLAND SCHOOL ASSESSMENT (ALT-MSA)

Summary of Program

The Alternate Maryland School Assessment (ALT-MSA) is the alternate assessment to the Maryland School Assessment Program (MSA). Students with disabilities participate in the ALT-MSA if through the IEP process it has been determined they cannot participate in the MSA even with accommodations. The ALT-MSA assesses and reports student attainment of individually selected indicators and objectives from the reading and mathematics content standards. A portfolio for the ALT-MSA is constructed of artifacts, such as student work samples, that document individual student mastery of the assessed reading and mathematics objectives. In the 2003-2004 school year, students participate in ALT-MSA in grades 3-8, 10, and 11.

ALT-MSA results are reported in three proficiency levels (Basic, Proficient, and Advanced) for the purposes of the State Accountability program. Results from the ALT-MSA are aggregated with those from the MSA for accountability purposes. Federal law limits participation in the ALT-MSA at the state and school system level to 1% of the students enrolled in the appropriate grades.

Accommodated and Excused Students

Accommodated Students. (Permitted accommodations are listed on pages 12 – 16.)

Accommodations, modifications, or adaptations, including supports, that the student receives during regular classroom instruction must be used in the testing situation.

Excused Students.

Prior to the test administration, if the principal and at least one other qualified school staff member or the LAC decide that testing would be severely harmful to a student, the student may be excused. The reason for the excuse must be documented in the student's IEP. Examples of acceptable reasons for excuses are:

- a) Student has demonstrated by past performance that he/she cannot function in a testing situation
- b) Student has had a recent traumatic experience, which has made him/her unable to cope with the testing situation.

During testing, if a student demonstrates extreme frustration, disrupts others, becomes ill, etc., the teacher/test administrator may excuse the student from the test. However, since the test window is extensive, test examiners should attempt to assess the student at another time during the test window. Excused students are assigned the "Basic" proficiency level for accountability reporting purposes.

MARYLAND HIGH SCHOOL ASSESSMENTS (HSA)

Summary of Program

The Maryland High School Assessments (HSA) are a series of end-of-course tests that extend the expectations of the Maryland School Assessments into high school and currently consist of four core examinations: English 1, algebra/data analysis, government, and biology. All students taking a core learning goals course in one of these subject areas must **take** the relevant High School Assessment examination. Obtaining a **passing** score on the tests is first scheduled to be tied to graduation for ninth graders entering high school in the fall of 2004.

Accommodated Students

Accommodated Students. (Permitted accommodations are listed on pages 12 – 16.)

1. Students with Disabilities. The student's IEP Team should decide on the appropriate accommodation(s) at the IEP development or review meeting for the year in which the student is scheduled to take the HSA and indicate the decision on the student's IEP. The student's IEP Team will forward recommended accommodations to the School Test Coordinator. Accommodations must be justified and documented in the student's IEP.
2. Students with Temporary or Long Term Disabilities or Section 504 Students. General education students and students with a 504 Plan who have a temporary or long term disabling condition that interferes with test performance should be offered appropriate accommodations to compensate for their disabling condition. Accommodations must be justified and documented in the students' records.
3. English Language Learners (ELLs). Appropriate accommodations identified by the ELL Committee are permitted for students who meet the criteria for a ELL program. Accommodations must be justified and documented in the students' records.

Only accommodations that the student receives during instruction may be used in the testing situation.

IDEA PROFICIENCY TEST (IPT)

Summary of Program

The IDEA Proficiency Test (IPT) is a test of English language proficiency administered to English language learners upon their entry into the school system and annually during a testing window in the spring. The test measures a student's English language ability in the areas of listening, speaking, reading, and writing. Assessment results are used by the local school systems to make decisions as to each student's participation in English as a Second Language (ESL) programs.

Accommodated and Excused Students

Accommodated Students. (Permitted accommodations are listed on pages 12 – 16.)

1. Students with Disabilities. The student's IEP Team should decide on the appropriate accommodation(s) at the IEP development or review meeting for the year in which the student is scheduled to take the IPT and indicate the decision on the student's IEP. The student's IEP Team will forward recommended accommodations to the School Test Coordinator. Accommodations must be justified and documented in the student's IEP.
2. Students with Temporary or Long Term Disabilities or Section 504 Students. General education students and students with a 504 Plan who have a temporary or long term disabling condition that interferes with test performance should be offered appropriate accommodations to compensate for their disabling condition. Accommodations must be justified and documented in the students' records.
3. English Language Learners (ELLs). Appropriate accommodations identified by the ELL Committee are permitted for students who meet the criteria for an ELL program. Accommodations must be justified and documented in the students' records.

Excused Students

No students may be excused from testing. All ELL students must participate in the program. If a student is experiencing difficulty coping during the testing situation, testing may be stopped, but the student must complete testing on another occasion during the testing window.

SUMMARY OF ACCOMMODATING, EXCUSING, AND EXEMPTING STUDENTS

Programs	1. Who may be accommodated?	How?
All Testing Programs	Students with disabilities who receive accommodations during instruction.	IEP Team decision documented in student's IEP.
	General education students with temporary or long term disabilities or Section 504 students.	Principal/staff decision documented in student's cumulative record. Section 504 Committee decision documented in student's cumulative record.
	English Language Learners (ELLs)	ELL Committee decision documented in student's cumulative record.

Programs	2. Who may be excused?	How?
MSA and ALT-MSA	Students who demonstrate, or who are expected to experience inordinate frustration, distress, or disruption of others, or for medical reasons may be excused prior to or during the tests. If required accommodations cannot be provided, students may be excused (not exempted) from testing. Excused students are assigned to the "Basic" proficiency level for accountability purposes.	Principal/staff decision documented in student's cumulative record or IEP.

Programs	3. Who may be exempted?	How?
MFTP	Second semester senior year transfer students (into Maryland for the first time).	Documented in student's cumulative record. Students who transfer into a Maryland school from another state or from non public schools, with high school credit(s) in content areas in which a Maryland high school assessment is required, are exempted from taking the test in the content area(s).
MSA, ALT-MSA, HSA, and IPT	None	N/A

**Accommodations Permitted
for
Statewide Assessment Programs**

Accommodations listed on pages 12, 13, 14, 15, and 16 are permitted for students with disabilities, general education students with temporary or long-term disabilities, students with a 504 Plan, and ELL students. All accommodations must be justified, and documentation must be provided in the student's IEP or cumulative record.

I. Scheduling Accommodations

Is the Accommodation Permitted? Yes (Y), No (N), or not applicable (NA).

MFTP	MSA	ALT-MSA	HSA	IPT	Code	Description
Y	Y	Y	Y	Y	A	<u>Supervised</u> breaks during test session.
Y	Y	Y	Y	Y	B	Tests given regularly within a single day/session may be administered over multiple days without exceeding total time allowances. Tests must be given within the constraints of test administration procedures.
Y	Y	Y	Y	Y	C	Extra response and processing time.
Y	Y	Y	Y	Y	D	Tests are administered at best time of day for student.
Y	Y	Y	Y	Y*	E	Other-proposed by Local Accountability Coordinator; Section 504, Special Education, or ELL staff; and approved by MSDE Assessment Office and MSDE Special Education or ELL staff.

*Accommodations related to English language proficiency are not permitted for this test.

II. Setting Accommodations

Is the Accommodation Permitted? Yes (Y), No (N), or not applicable (NA).

MFTP	MSA	ALT-MSA	HSA	IPT	Code	Description
Y	Y	Y	Y	Y	A	General education classroom, with special seating (front of room, carrel, etc).
Y	Y	Y	Y	Y	B	General education classroom, with adjusted grouping.
Y	Y	Y	Y	Y	C	General education classroom, with additional school support (instructional assistant, guidance, etc). Support person is not to help student read or respond to items.
Y	Y	Y	Y	Y	D	General education classroom, with special education or ELL staff as support. Support person is not to help student read or respond to items.
Y	Y	Y	Y	Y	E	Small group setting.
Y	Y	Y	Y	Y	F	Small group setting with special education or ELL teacher as examiner.
Y	Y	Y	Y	Y	G	Individual administration within the school building.
Y	Y	Y	Y	Y	H	Individual administration outside school (home, hospital, etc).
Y	Y	Y	Y	*Y	I	Other-proposed by Local Accountability Coordinator; Section 504, Special Education, or ELL staff; and approved by MSDE Assessment Office and MSDE Special Education or ELL staff.

*Accommodations related to English language proficiency are not permitted for this test.

III. Equipment/Technology Accommodations

Is the Accommodation Permitted? Yes (Y), No (N), or not applicable (NA).

MFTP	MSA	ALT-MSA	HSA	IPT	Code	Description
Y	Y	Y	Y	Y	A	Large print test materials.
Y	Y	Y	Y	Y	B	Braille test materials.
Y	Y	Y	Y	NA	C	Calculator for mathematics testing for special education or Section 504 students only.
Y	Y	Y	**Y	Y	D	Use of electronic devices (e.g., mechanical speller, computer, augmented communication device, etc.).
Y	Y	Y	Y	Y	E	Use of electronic devices (e.g., mechanical speller, computer, augmented communication device, braille device, etc) with spell and grammar checkers blocked as certified by LAC.
Y	Y	Y	Y	N	F	Published or electronic bilingual dictionary (a synonym dictionary, without definitions, in the student's native language).
Y	Y	Y	Y	*Y	G	Other-proposed by Local Accountability Coordinator; Section 504, Special Education, or ELL staff; and approved by MSDE Assessment Office and MSDE Special Education or ELL staff.

* Accommodations related to English language proficiency are not permitted for this test.

** For the HSA English test, grammar and spell check functions are not permitted.

IV. Presentation Accommodations

Is the Accommodation Permitted? Yes (Y), No (N), or not applicable (NA).

MFTP	MSA	ALT-MSA	HSA	IPT	Code	Description
Y	Y	NA	Y	Y	A	Verbatim repetition of scripted directions, as needed.
Y	Y	NA	Y	Y	B	Written copies of orally presented materials that are found only in examiner's manual.
NA	NA	NA	NA	NA	C	Accessibility to closed caption or video materials.
Y	Y	Y	Y	Y	D	Sign language interpreter, amplification, or visual display required for test directions/examiner-led activities.
Y	Y	NA	Y	Y	E	Verbatim audiotape of directions.
***Y	**Y	NA	**Y	NA	F	Verbatim reading or audiotape of entire test for content areas other than reading.
***Y	**Y	NA	**Y	NA	G	Verbatim reading of selected sections of test or vocabulary for content areas other than reading.
N	†**Y	NA	NA	**††Y	H	Verbatim reading or audiotape of entire reading test
N	†**Y	NA	NA	**††Y	I	Verbatim reading of selected vocabulary words or sections of reading test.
Y	†Y	Y	Y	*Y	J	Other-proposed by Local Accountability Coordinator; Section 504, Special Education, or ELL staff; and approved by MSDE Assessment Office and MSDE Special Education or ELL staff.

* Accommodations related to English language proficiency are not permitted for this test.

** Use of Kurzweil™ reading software is permitted to deliver the accommodation.

*** Not permitted for the Maryland Functional Reading Test.

† Any verbatim reading accommodation invalidates criterion-referenced reading score for grades 3 and 4 MSA

†† Verbatim reading is only permitted on Part 3 (“Reading for Understanding”) and Part 4 (“Reading for Life Skills”) portions of the test.

Other test sections assess decoding skills for which verbatim reading is not appropriate or permitted.

V. Response Accommodations

Is the Accommodation Permitted? Yes (Y), No (N), or not applicable (NA).

MFTP	MSA	ALT-MSA	HSA	IPT	Code	Description
Y	Y	NA	Y	Y	A	For machine-scored tests, student marks answers in test booklet. (Transfer to answer sheet completed by school personnel.)
Y	Y	Y	Y	Y	B	For selected response items, student indicates answers by pointing or other method.
Y	Y	Y	Y	Y	C	For constructed response (brief or extended) items, student tapes response for later verbatim transcription by school personnel.
**Y	Y	NA	Y	Y	D	School personnel may check student's transferred responses (alignment and completeness of hand-filled bubbles).
Y	Y	Y	Y	Y	E	For constructed response (brief or extended) items, student dictates response to examiner for verbatim transcription by school personnel.
Y	Y	Y	Y	Y	F	For constructed response (brief or extended) items or oral presentation, student signs response to interpreter of the deaf/hearing impaired for transcription.
Y	Y	Y	Y	*Y	G	Other-proposed by Local Accountability Coordinator; Section 504, Special Education, or ELL staff; and approved by MSDE Assessment Office and MSDE Special Education or ELL staff.

* Accommodations related to English language proficiency are not permitted for this test.

** Not applicable to Maryland Writing Test.

References

Accommodations

Ysseldyke, J. E., Thurlow, M. L., McGrew, K. S., & Shriner, J. G. (1994). *Recommendations for making decisions about the participation of students with disabilities in statewide assessment programs* (Synthesis Report 15). Minneapolis, MN: National Center on Educational Outcomes.

Maryland Functional Testing Program

Code of Maryland Regulations (COMAR) 13A.03.01.03A; 13A.03.01.03C; and 13A.03.02.03B
September 17, 1992 Memorandum: "Use of Calculators in the Maryland Functional Mathematics Test"

Maryland School Assessment

Test Administration and Coordination Manual published annually by the Division of Planning, Research, and Information Management, MSDE

Alternate Maryland School Assessment

Test Administration and Coordination Manual published annually by the Division of Planning, Research, and Information Management, MSDE

High School Assessments

Test Administration and Coordination Manual published annually by the Division of Planning, Research, and Information Management, MSDE

Data Procedures for Maryland School Performance Report

Maryland School Performance Program Accountability Data published annually by the Division of Planning, Research, and Information Management, MSDE

Individualized Education Program (IEP) Committee Responsibilities

Each school system's Public Agency's Policies and Procedures document. Copies of this document are available in each school system's Special Education Office and in the Division of Special Education of MSDE
IDEA: Code of Federal Regulations: 34 CFR Part 300
IDEA97: 20 USC 1412 (a) (17)

Programs for Non-English and Limited-English Proficient Students

Code of Maryland Regulations (COMAR) 13A.05.07
Civil Rights Act of 1964, P.L. 88-352 Title VI Section 601
Equal Educational Opportunity Act of 1974, 94 S. Ct. 786.788
1974 United States Supreme Court Ruling Lau vs. Nichols

No Child Left Behind Act of 2001

Public Law 107-110, January 8, 2002

United States Office of Civil Rights Reference

The Use of Tests When Making High-Stakes Decisions for Students: A Resource Guide for Educators and Policymakers.
(Draft Guide, June 2000)